

## UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

## SENTENCING MINUTE SHEET

|                                   |  |                       |   |                              |   |                                  |                       |
|-----------------------------------|--|-----------------------|---|------------------------------|---|----------------------------------|-----------------------|
| CR No.                            | 09-2587  |                       |   | USA vs.                      | Telamontes-Zamarriba                          |                                  |                       |
| Date:                             | 11/3/09  |                       |   | Name of Deft:                | Sergio Telamontes-Zamarriba                   |                                  |                       |
| Before the Honorable              |  | James O. Browning     |   |                              |   |                                  |                       |
| Time In/Out:                      |  | 10:47 a.m./11:00 a.m. |   | Total Time in Court:         |   | :13                              |                       |
| Clerk:                            |  | K'Aun Wild            |   | Court Reporter:              |   | Danna Everett                    |                       |
| AUSA:                             |  | Norm Cairns           |   | Defendant's Counsel:         |   | Joseph Gandert (Appointed)       |                       |
| Sentencing in:                    |  | ABQ                   |   | Interpreter:                 |   | Bethany Edwards                  |                       |
| Probation Officer:                |  | Anthony Galaza        |   | Sworn?                       |   | X                                | Yes                   |
| Convicted on:                     |  | X                     | Plea  |                              | Verdict                                       | As to: X Information             |                       |
| Plea:                             |  |                       | Accepted  |                              | Not Accepted                                  | Adjudged/Found Guilty on Counts: |                       |
| Plea Agreement:                   |  | X                     | Accepted  |                              | Not Accepted                                  | No Plea Agreement                |                       |
| Date of Plea/Verdict:             |  | September 3, 2009     |   |                              | PSR:  |                                  | X                     |
| PSR:                              |  | X                     | Court Reviewed PSR Factual Findings and USSG Calculations and Adopts as Its Own |                              |   | Evidentiary Hearing:             |                       |
| Exceptions to PSR:                |  | None                  |   |                              |   |                                  |                       |
| SENTENCE IMPOSED                  |  |                       |   | Imprisonment (BOP): 4 months |   |                                  |                       |
| Supervised Release:               |  | None imposed          |   |                              | Probation:                                    |                                  | 500-Hour Drug Program |
| SPECIAL CONDITIONS OF SUPERVISION |  |                       |   |                              |   |                                  |                       |
|                                   | No re-entry without legal authorization                    |                       |   |                              | Home confinement for _____ months _____ days  |                                  |                       |
|                                   | Comply with ICE laws and regulations                       |                       |   |                              | Community service for _____ months _____ days |                                  |                       |
| X                                 | ICE to begin removal immediately or <u>during</u> sentence |                       |   |                              | Reside halfway house _____ months _____ days  |                                  |                       |
|                                   | Participate in substance abuse                             |                       |   |                              | Register as sex offender                      |                                  |                       |
|                                   | Participate in mental health program                       |                       |   |                              | Participate in sex offender treatment program |                                  |                       |
|                                   | No alcohol/liquor establishments                           |                       |   |                              | Possess no sexual material                    |                                  |                       |
|                                   | Submit to search of person/property                        |                       |   |                              | No computer with access to online services    |                                  |                       |
|                                   | No contact with victim(s) and/or co-Deft(s)                |                       |   |                              | No contact with children under 18 years       |                                  |                       |
|                                   | No entering, or loitering near, victim's                   |                       |   |                              | No volunteering where children supervised     |                                  |                       |
|                                   | Provide financial information                              |                       |   |                              | Restricted from occupation with access to     |                                  |                       |
|                                   | Grant limited waiver of confidentiality                    |                       |   |                              | No loitering within 100 feet of school yards  |                                  |                       |

|                                     |  |  |  |   |      |                 |  |
|-------------------------------------|--|--|--|---|------|-----------------|--|
| OTHER:                              |  |  |  |   |      |                 |  |
| Fine: \$                            | 0.00                                   |  |  | Restitution: \$                         | 0.00 |                 |  |
| SPA: \$                             | 100.00 (\$100 as to each Count)        |  |  | Payment Schedule:                       |      | Due Immediately | <input checked="" type="checkbox"/> Waived |
| OTHER:                              |  |  |  |   |      |                 |  |
| <input checked="" type="checkbox"/> | Advised of Right to Appeal             |  | <input checked="" type="checkbox"/>  | Waived Appeal Rights per Plea Agreement |      |                 |  |
| <input checked="" type="checkbox"/> | Held in Custody                        |  |  | Voluntary Surrender                     |      |                 |  |
|                                     | Recommended place(s) of incarceration: |  |  |   |      |                 |  |
|                                     | Dismissed Counts:                      |  |  |   |      |                 |  |
| OTHER COMMENTS                      |  |  | <p>Court asks if Defendant has any dependents, as face sheet reflects there are 2, but PSR says has no wife or children? Defendant responds that he has sent money to family in Mexico; Court informs will leave PSR as is on this issue. Court notes plea agreement is pursuant to Fast Track program and calls for 2 level downward departure as a result of same; Govt. submits written motion and proposed form of order in support of same; Court grants/signs. Upon Court's inquiry, Govt. informs does not oppose USPO's recommendation for downward departure pursuant to 4A1.3 from III to II; Court grants. Defense counsel addresses Court. Defendant allocutes. Court asks Defendant if he has any assets? Defendant represents he does not. Govt. requests sentence at low end of range, is not interested in pursuing a fine and waives SPA. Court accepts plea agreement.</p> |   |      |                 |  |